

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 20 SEP 2005

PCT

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To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/NL2005/000034

International filing date (day/month/year)  
18.01.2005

Priority date (day/month/year)  
21.01.2004

International Patent Classification (IPC) or both national classification and IPC  
G10D7/02

Applicant  
FLAUTO FORTE B.V.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2005/000034

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☒ This opinion has been established on the basis of a translation from the original language into the following language English, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/NL2005/000034

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ not paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☒ the parts relating to claims Nos. 1-19

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	16-20
Inventive step (IS)	Yes: Claims	none
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	none

2. Citations and explanations

see separate sheet

**Re Item IV.**

Reference is made to the following documents:

D1 : US 1 376 004 A (CHRISTENSEN NILS) 26 April 1921 (1921-04-26)

**1 LACK OF UNITY OF INVENTION**

1.1 This Authority considers that there are 2 inventions covered by the claims indicated as follows:

- I: Claims 1-19 directed to a support pin for a flute, provided with a longitudinal bore.
- II: Claim 20 directed to a resonator element for a flute, with at least one closable cavity.

1.2 The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

Although the order and the wording of the claims suggests otherwise, claim 16 to 20 are independent claims and claim 1-15 are dependent.

A dependent claim is defined as a claim in the same category that has all the specific technical features of another claim. Claim 16 claims a blow tube "as defined in" (a.o.) claim 1. The specific technical features of this blow tube are:

- it is hollow
- it is provided with a mouthpiece
- it is open at both ends
- it can be coupled at one end to a resonator tube
- it can be closed at the other end with a closing unit.

This set of technical features is a subset of the technical features of claim 1 and therefore claim 1 is dependent on claim 16. For similar reasons, claim 17 to 20 are also independent claims.

- 1.3 With regard to the independent claims 16 to 20, they comprise the following technical features:
- 1.3.1 The specific technical features of claim 16 are:
- a hollow blow tube
  - a mouthpiece
  - open at both ends
  - it can be coupled at one end to a resonator tube
  - it can be closed at the other end with a closing unit.
- 1.3.2 The specific technical features of claim 17 are:
- a closing unit
  - composed of a closing element
  - provided with a central passage for placement round a support pin
- 1.3.3 The specific technical features of claim 18 are:
- a support pin
  - at least partially provided with screw thread that is to mate with a screw cap
  - provided with a longitudinal bore
- 1.3.4 The specific technical feature of claim 19 is:
- a screw cap
- 1.3.5 The specific technical features of claim 20 are:
- a resonator element
  - provided with a central passage for placement round a support pin
  - at least one closable cavity
- 1.4 The prior art has been identified as document D1 and discloses (the references in parentheses applying to this document):
- a hollow blow tube (12)
  - with a mouthpiece (26)
  - open at both ends (at 24 and 28)

- it can be coupled at one end to a resonator tube (10)
- it can be closed at the other end with a closing unit (at 28)
- a closing unit (assembly of 28 to 38).
- composed of a closing element provided with a central passage for placement round a support pin (38)
- a support pin (32), at least partially provided with screw thread that is to mate with a screw cap (28)
- a screw cap (28)

1.5 It follows that none of the technical features of claims 16, 17 and 20 make a contribution over the prior art and these can therefore not be considered as novel.

1.6 The following technical feature of claim 18 makes a contribution over the prior art and can be considered as a special technical feature within the meaning of Rule 13.2 PCT:

- The support pin is provided with a longitudinal bore.

The problem solved by this special technical feature can therefore be construed as:

How to improve sound conduction to the player's ear that is farthest away from the flute.

1.7 The following technical features of claim 20 make a contribution over the prior art and can be considered as a special technical features within the meaning of Rule 13.2 PCT:

- a resonator element
- provided with a central passage for placement round a support pin
- at least one closable cavity

The problem solved by these special technical features can therefore be construed as:

How to improve the sound quality that is provided by the flute.

- 1.8 These two (sets of) claims therefore solve different problems using different technical features.

In conclusion, the groups of claims are not linked by common or corresponding special technical features and define 2 different inventions not linked by a single general inventive concept.

The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V.

2 Reference is made to the following documents:

D1 : US 1 376 004 A (CHRISTENSEN NILS) 26 April 1921 (1921-04-26)

D2 : US 3 454 703 A (ROSE JACK EDWARD) 8 July 1969 (1969-07-08)

**3 INDEPENDENT CLAIM 16**

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 16 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

- a hollow blow tube (12)
- with a mouthpiece (26)
- open at both ends (at 24 and 28)
- it can be coupled at one end to a resonator tube (10)
- it can be closed at the other end with a closing unit (at 28)

**4 INDEPENDENT CLAIM 17**

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 17 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

- a closing unit (assembly of 28 to 38).
- composed of a closing element provided with a central passage for placement round a support pin (38)

**5 INDEPENDENT CLAIM 18**

5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 18 is not new in the sense of Article 33(2) PCT.

Document D2 discloses (the references in parentheses applying to this document):

- a support pin (34)
- at least partially provided with screw thread (42) that is to mate with a screw cap (52)



- provided with a longitudinal bore (40)

**6 INDEPENDENT CLAIM 19**

- 6.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 19 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses (the references in parentheses applying to this document):
- a screw cap (28)

**7 DEPENDENT CLAIMS 1-15**

Dependent claims 1-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).